

PATENT APPLICATION

#10

CERTIFICATE OF FACSIMILE TRANSMISSION:
I hereby certify that this paper,


for Applicant: Michael Kloepper
Serial No.: 09/754,705
Filed: January 4, 2001
For: TRUCK/TRAILER BOX CONSTRUCTIONS

FAX RECEIVED

MAY 29 2002

PETITIONS OFFICE

is being facsimile-transmitted to the
Patent and Trademark Office on the date
shown below:


Delbert J. Barnard, Reg. No. 20,515

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3612
Examiner: Kiran B. Patel
Applicant: Michael Kloepper
Serial No.: 09/754,705
Filed: January 4, 2001
For: TRUCK/TRAILER BOX CONSTRUCTIONS
Date: May 29, 2002

DECLARATION OF DELBERT J. BARNARD

BOX DAC
Commissioner for Patents
Washington, D.C. 20231

I, Delbert J. Barnard, hereby depose and say that:

1. I am the attorney for the applicant in the
above-identified application.

2. On January 31, 2002, on behalf of the applicant, I filed
a Supplemental Preliminary Amendment in this application (Exhibit
A).

3. On April 22, 2002, I received a telephone call from
Examiner Patel. He called to question the filing of the

Supplemental Preliminary Amendment. He said that the application was allowed and a Notice of Allowability had been mailed out in October of 2001. I told Examiner Patel that we have never received a Notice of Allowance or any other paper indicating that the application has been allowed.

4. On January 31, 2002, I sent a Letter to the Patent and Trademark Office (Exhibit B) respecting the telephone conversation that I had with Examiner Patel on April 22, 2002. In this Letter I explained that we had received a Notice of Publication Fee Due that was dated January 2, 2002 and that we paid this fee on March 25, 2002. I stated in the Letter that the application file did not contain a Notice of Allowance or a Notice of Allowability.

5. On May 23, 2002, Leslie A. Moss, a paralegal in my office telephoned the Office of Patent Publication to find out the status of the application. The person to whom Leslie spoke stated that the application was "technically abandoned" for failure to pay the Issue Fee. Leslie A. Moss told her that we had never received a Notice of Allowance. In response, Leslie A. Moss was told to call the Petitions Office.

6. On May 24, 2002, Leslie A. Moss called the Petitions Office and spoke with John Gillon (703-305-9199). She explained that we had never received a Notice of Allowance. Mr. Gillon stated that we would need to file a Petition Under 37 C.F.R. 1.181 or 1.137(b) and should attach copies of the mail log showing the documents that we received about the time that we should have received the Notice of Allowance. We were asked to fax the Petition ASAP to 703-308-6916 and put on the cover sheet

"Attention: Contractor - Please Order File to Match Petition".

7. The firm of Barnard & Pauly, P.S. maintains a "PTO Log Book" in which each item received from the PTO is entered on the date that it is received.

8. Exhibit C is a collection of pages from the PTO Log Book for the days October 15, 2001 through November 30, 2001. These pages show that a Notice of Allowance was not received prior to November 30, 2001.

9. I have carefully examined the PTO Log Book and it does not include any entry showing that a Notice of Allowance was received at some time after November 30, 2001.

10. On May 28, 2002, we received a Supplemental Notice of Allowability and a copy of a Notice of Allowance and Issue Fee Due dated October 17, 2001. The Supplemental Notice of Allowability stated that the drawings that were filed on April 19, 2001 were accepted by the Examiner.

11. The undersigned declares further that all statements made herein of his own knowledge are true, and that all statements made on information and belief are believed to be true; and that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

May 29, 2002
Date


Delbert J. Barnard



AMENDMENT TRANSMITTAL LETTER (Small Entity)				Docket No. Titan	
Applicant(s): Michael Kloepper					
Serial No. 09/754,705	Filing Date January 4, 2001	Examiner Patel	Group Art Unit 3612		
Invention: TRUCK/TRAILER BOX CONSTRUCTIONS					
<u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application.					
<input checked="" type="checkbox"/> Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted. <input type="checkbox"/> A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	23 -	20 =	3 x	\$9.00	\$27.00
INDEP. CLAIMS	6 -	5 =	1 x	\$42.00	\$42.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$69.00
<input type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> A check in the amount of \$69.00 to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 02-0915 A duplicate copy of this sheet is enclosed. <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
 _____ Signature			Dated: January 31, 2002		
Delbert J. Barnard, Reg. No. 20,515 Barnard & Pauly, P.S. P. O. Box 58888 Seattle, WA 98138-1888 (206) 246-0568 (206) 243-4618 FAX			<div style="border: 1px solid black; padding: 5px;"> I certify that this document and fee is being deposited on 01/31/02 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.  _____ Signature of Person Mailing Correspondence Delbert J. Barnard _____ Typed or Printed Name of Person Mailing Correspondence </div>		
cc:					

Exhibit A

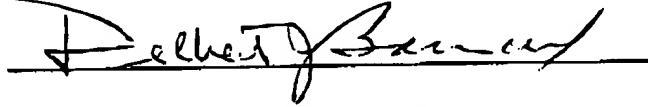
PATENT APPLICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents and Trademarks
Washington, D.C. 20231

On April 25, 2002, by Delbert J. Barnard.

Signature:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit: 3612
Examiner: Patel
Applicant: Michael Kloopfer
Serial No.: 09/754,705
Filed: January 4, 2001
Entitled: TRUCK/TRAILER BOX CONSTRUCTIONS
Date: January 31, 2002

FAX RECEIVED

MAY 29 2002

PETITION'S OFFICE

LETTER

The Commissioner for Patents and Trademarks
Washington, D.C. 20231

Sir:

On January 31, 2002, applicant filed a Supplemental Preliminary Amendment in this application.

On Monday, April 22, 2002, I received a telephone call from Examiner Patel. He called to question the filing of the Supplemental Preliminary Amendment. He said that the application was allowed and a Notice of Allowability was mailed out in October of 2001. I told Examiner Patel that we have never received a Notice of Allowance or any other paper indicating that the application has been allowed. Following my conversation with Examiner Patel, I checked the file and discovered that we had received a Notice of

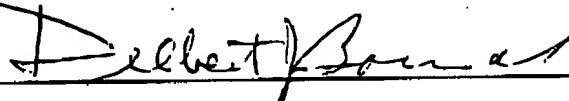
Publication Fee Due that was dated January 2, 2002. I checked and we paid this fee on April 8, 2002.

It is noted that the Notice of Publication Fee Due states that " -- the application has been allowed -- ." The Notice of Publication Fee Due was the only paper found in the file that was received by us since October of 2001. The file does not contain a Notice of Allowance or a Notice of Allowability.

The purpose of this letter is to make a written record of the telephone conversation that I had with Examiner Patel on Monday, April 22, 2002.

Respectfully submitted:

Michael Kloepper



Delbert J. Barnard, Reg. No. 20,515
Barnard & Pauly, P.S.

P.O. Box 58888

Seattle, WA 98138-1888

Telephone: (206) 246-0568

Facsimile: (206) 243-4618

Due 10/15/01 PTI Tm 76/073,975

Office Action

10/15/01 CH20 Tm 1,950,266

Notice of Acceptance/
Notice of Acknowledgment
re Sections 8 & 15

Due 10/15/01 Dodge Pat. 07/441,790

Office Action,
Notice of References
Cited and one
reference

Due 10/15/01 Authier Pat 5,793,164

Maintenance Fee
Paid Statement

to Use 10/15/01 FTI/
Rind
ation

Pat. 5,341,559 Maintenance Fee
Paid Statement

on 10/16/01 No mail from the PTO - Jim

10/17/01 No mail from the PTO - Jim
der 12(a).

Exhibit C

10/18/01	Kunzler Pat. 5,660,421	from Maintenance Fee Paid It	10/22/01
		Notice of Patent Expiration	10/22/01
10/19/01	Fresh Origins TM 76/241,568	P/C - Trademark Response	
10/22/01	Lee Pat. 6,302,594 B1	Patent Document	
10/22/01	Lee Pat. 6,302,594 B1	Ten Advance Patent Copies	10/23/01
10/22/01	Intermed Benson Pat. 09/182,341	P/C - Response	10/23/01
10/22/01	Lee Pat. 09/800,277	P/C - Recordation Form Cover Sheet for an Assignment	10/23/01
10/22/01	Foster Pat. PCT/US01/26873	Notification of Receipt of Recd Copy	

10/22/01 Show-N-Feet Tm 2,496,111 Certificate of
Registration

10/22/01 Gibson Pat. 09/411,780 Notice of Allowance
and Issue Fee Due,
Notice of Allowability
and Examiner's
Statement of Reasons
For Allowance

10/23/01 Mottershead Pat. 09/285,375 P/C - Letter

10/23/01 Cheon Pat. 09/579,282 Issue Notification

10/23/01 Furnish Pat. 09/957,366 Filing Receipt

10/23/01 Furnish Pat. 09/957,366 Notice to File
Corrected Application
Papers

Copy

10/23/01	UW/ Munza	Pat. PCT/US01/08813	Notice Informing the Applicant of the Communication of the International Application to the Designated Offices	10/26/01 ^c
10/24/01	Foster	Pat. 09/587,007	Issue Notification	10/29/01 ^v
10/25/01	Nemeth	Pat. 09/962,504	Filing Receipt	10/29/01 ^c
10/25/01	Nemeth	Pat. 09/962,504	Notice to File Missing Parts of Nonprovisional Application	10/29/01 ^c
10/25/01	UW/ Munza	Pat. PCT/US01/08813	Communication re entry into national phase	10/29/01 ^v 10/29/01 ^c
10/26/01	Fresh Origins	tm 76/322,420	Filing Receipt	

ing 10/26/01 Foster Pat. PCT/US01/26869 Notification of
 the Receipt of Record
 the Copy

the 10/26/01 Candy Novelty Tm ^{Opp. Nos.} 115,328 + 115,455 Letter
 filed re Oppositions

from 10/29/01 Vitech Tm 75/460,695 Notice of Allowance

10/29/01 Arnold/
 Romyn Pat. 09/763,101 Corrected Filing
 Receipt

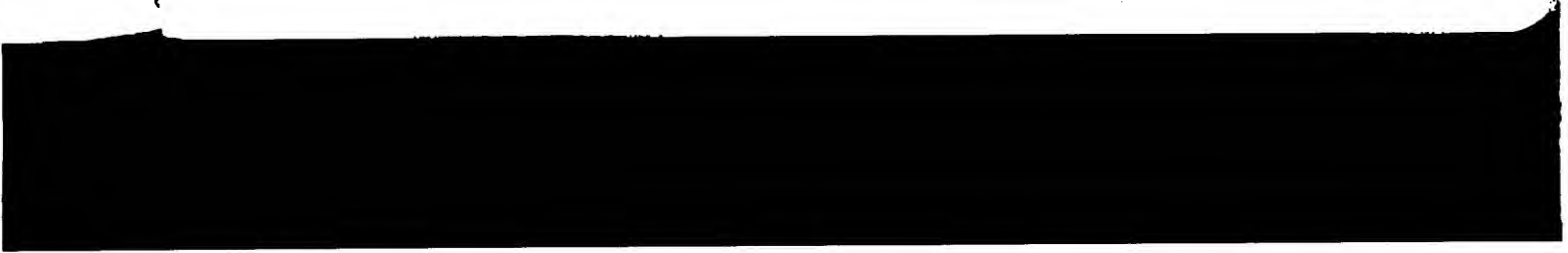
10/29/01 Jaynes Pat. 5,743,645 Maintenance Fee
 Paid Statement

10/29/01 Vnedindal Tm 76/240,174 P/C - Response

re 10/29/01 Foster Pat: PCT/US01/26869 P/C - Response to
 mail Invitation to Correct
 defects in the
 int International Application

0/29/01	Foster Pat. PCT/US01/26873	PLC-Response to Invitation to Correct Defects in the International Application	11/2/01 C
0/30/01	No mail from the PTO - Lm		11/2/01 F
0/31/01	Vitech Tm 75/460,695	Duplicate Notice of Allowance	11/2/01 F
11/1/01	Pearl Tm 96/328,855	PLC-Trademark Application	11/5/01 A
11/1/01	Chan/ Weiss Pat. 29/131,429	Notice of Allowance and Issue Fee Due, Notice of Allowability, Examiner's Amendment and Notice of References Cited	11/5/01 V

to 11/2/01 Lee Pat. 07/947,315 Filing Receipt
act
11/2/01 Personal Flight TM 75/460,220 Notice of Approval
of Extension Request
11/2/01 Bolton TM 76/039,572 PIC - Statement of
Use Under 37 C.F.R.
Section 2.88
11/2/01 FTI Pat. PCT/US01/11677 Notice Informing
the Applicant of the
Communication of the
International
Application to the
Designated Offices
and a copy of the
international
application
11/5/01 Arnold!
Van Wingerden Pat. 07/180,073 Issue Notification



11/5/01	Ther	Pat. 6,079,899	Certificate of Correction	11/9/01
11/5/01	Lisakose	TM 76/205,074	P/C - Trademark Response	11/9/01
11/5/01	Cook	TM 76/018,191	Final Office Action	11/12/01
11/5/01	Arnold Janssens	PAT. 09/556,085	Notice of Allowance and Issue Fee Due and Notice of Allowability	11/13/01
11/6/01	No mail from the PTO - Jim			11/13/01
11/7/01	No mail from the PTO - Jim			11/13/01
11/8/01	Foster	Pat. 4,962,848	P/C - 8 maintenance Fees	11/13/01

11/9/01 Pile Driving Tm 76/073,975 P/C - Trademark
Response

11/9/01 Pearl Tm 76/328,855 Filing Receipt

11/12/01 No mail from the PTO - Tm Holiday

11/13/01 Foster Pat. 6,311,947 B1 Patent Document

Issue Notice 11/13/01 Foster Pat. 6,311,947 B1 Ten Advance
Patent Copies

11/13/01 CH20 Tm 2,502,597 Certificate of
Registration

11/13/01 Westpac Tm 76/094,663 Examiner's
Amendment

11/13/01 Volcano Tm 2,286,088 P/C - Petition Under
35 C.R.F. 2.146

11/13/01 Foster Pat. PCT/US01/26873 Notification
Concerning Submission
or Transmittal of
Priority Document 11/15/01

11/13/01 Foster Pat. PCT/US01/26869 Notification
Concerning Submission 11/15/01
or Transmittal of
Priority Document

11/14/01 No mail from the PTO - Am

~~11/15/01 No mail from the PTO - Am~~

11/15/01 Ste. Mann Pat. 5,735,399 Maintenance Fee
Reminder

11/15/01 McDonald Copyright TXU 1-005-095
Certificate of Registration

11/15/01 Cheon Pat. 6,313,990 B1 Three Advance Patent
Copies

11/15/01 Arnold
Van Wingerden Pat 6,315,233 B1 Three Advance
Patent Copies

11/15/01 Chao Pat. PCT/US01/24457 Notification
Concerning Payment of
Prescribed Fees,
Notification of the
International Application
Number and of the
International Filing
Date, Invitation to
Correct Defects in the
International Application,
Annexes A + C1,
Invitation to Correct
Priority Claim and
Notification of Receipt
of Search Copy

11/16/01 Cheon Pat. 6,313,970 B1 Patent Document 11/21/01

11/16/01 Arnold /
Van Wingerden Pat. 6,315,233 B1 Patent Document 11/22/01

11/16/01 OW/
Murga Pat. PCT/US01/08513 P/C - PCT Demand 11/23/01

11/16/01 Candy Novelty TM 76/303,259 Priority Action 11/26/01

11/19/01 Vitach TM 76/008,780 Notice of Publication 11/26/01
Under 12(a)

11/19/01 Testagaber Pat. 09/545,280 Issue Notification 11/26/01

11/19/01 Candy Novelty TM 76/107,700 Notice of Allowance 11/26/01

11/19/01 Dofredo Pat. 5,671,537 Notice of Patent 11/26/01
Expiration

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mand 11/23/01 Holiday - No mail - Am
tion 11/26/01 Candy Novelty Tm 75/496,619 Notice of Abandonment
lication 11/26/01 Tegan Tm 76/158,735 Notice of Allowance
tion 11/26/01 Deffley Tm 76/165,237 Notice of Allowance
owance 11/26/01 Foster Pat. PCT/US01/21528 Notification
tent Relating to
Priority Claim
Office Action,
Notice of References
Cited and Given
References

11/26/01 Foster Pat. 4,969,387 P/C-4 Maintenance Fees

12/3/01

12/3/01

11/26/01 Candy Novelty TM ^{Opp. No. 115,328} Letter from TTAB
re opposition dismissed

12/3/01

11/27/01 No mail from the PTO - Km

12/3/01

11/28/01 No mail from the PTO - Km

11/29/01 Tesagaber Pat. 6,323,466 B1 Ten Advance Patent Copies

12/3/01

11/30/01 Peekay TM 76/180,496 P/C-Trademark Response

12/3/01

11/30/01 Tesagaber Pat. 6,323,466 B1 Patent Document

11/30/01 Candy Novelty TM 73/550,519 Notice of Approval
F.H. Request